



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

JANUARY 6, 2021 MEETING MINUTES

This meeting was conducted via remote participation on GoToWebinar.

NAME	TITLE	STATUS	ARRIVED
Susan Fontano	Chair	<i>Present</i>	
Danielle Evans	Clerk	<i>Present</i>	
Josh Safdie	Member	<i>Present</i>	
Anne Brockelman	Member	<i>Present</i>	
Elaine Severino	Member	<i>Present</i>	

City staff present: Charlotte Leis (Planning & Zoning), Sarah White (Planning & Zoning), David Shapiro (Law Department)

The meeting was called to order at 6:02pm and adjourned at 7:27pm.

PUBLIC HEARING: 337 Somerville Ave

(continued from December 16, 2020)

Following a motion by Clerk Evans, seconded by Ms. Severino, the Board voted unanimously (5-0) to continue to February 3, 2021.

RESULT:

CONTINUED TO 2/3/2021

PUBLIC HEARING: 15 McGrath Highway

(continued from December 16, 2020)

Michael Gerhardt (Applicant) requested a continuance to January 20, 2021.

Following a motion by Clerk Evans, seconded by Ms. Severino, the Board voted unanimously (5-0) to continue to January 20, 2021.

RESULT:

CONTINUED TO 1/20/2021

PUBLIC HEARING: 9-11 Aldersey St

(continued from December 16, 2020)

Ms. White provided background on the case. The case has been in the court system for over a decade. The court recently ruled on it and issued a decision. The court has issued a ruling requiring that the HPC and ZBA approve the project without changes. The ZBA may impose reasonable conditions, some of which are provided in the memo. The ZBA must take public comment. Mr. Shapiro was available for questions.

Edward Lonergan (attorney for applicant) had some technical issues.

Chair Fontano opened for public comment, no one indicated they wished to speak.

Ms. Brockelman noted a small discrepancy between site plan and elevation of building A. On the bottom left of site plan, the porch doesn't extend beyond building; front elevation shows the porch extending beyond the building. Mr. Lonergan said either option is fine.

Ms. White suggested a condition that requires site plan and elevation to be consistent and submitted for staff approval. Construction documents must then reflect approved plan.

Mr. Safdie left the meeting at 6:27 due to technical issues. He rejoined at 6:29pm.

Mr. Safdie said elevations show plans wrapping around 2 sides of the house, but site plan shows porch on 3 sides. He wonders whether this should go back to HPC for review. He wants a condition that the drawings have been thoroughly checked for coordination to make sure they're complete and accurate.

Additional questions and discussion about details of plans to understand what is proposed and being presented on the plans. Questions revolved around where porch is proposed, and whether it violates required setback areas. Mr. Lonergan said applicant will defer to Board's opinion on what to do regarding porch.

Clerk Evans asked what plan set the judge approved and believed they met the special permit findings. Ms. Brockelman also referenced condition #22 and asked why the plans couldn't be updated.

Mr. Shapiro suggested that Mr. Lonergan work with the architect to address concerns and then come back at the next meeting for approval.

The site plan should match elevation drawing – all details should match, but a discrepancy was noticed regarding the wrap around porch. If already correcting that, condition #22 should also be addressed. It is up to whoever has jurisdiction to determine the setback and zoning requirements, as it is not within the ZBA's purview.

Mr. Safdie has little confidence in plan set. The Board caught some things, but it's not their job to catch architects' mistakes. Architect needs to make sure everything is correct, accurate, and consistent.

Ms. Severino doesn't want to contradict the Land Court judge's ruling.

Mr. Safdie noted that there is no actual plot plan in drawing set. He would prefer to see a plot plan, but doesn't know whether that is within their purview to request; he noted that if this was a normal case coming before the Board, it would not be approved without a certified plot plan.

Mr. Shapiro noted that the Land Court judge approved the zoning components of the project based on plans from 10 years ago. The court ruling required and permitted the HPC and the ZBA to make minor modifications; between the Land Court ruling and the ZBA's review tonight, the HPC made some minor changes to the proposal.

Clerk Evans wanted to confirm with the HPC which plan set they reviewed. Ms. White confirmed that the plans before the ZBA are the ones approved by the HPC and explained that the two boards look at plans differently. The HPC mostly looks at elevations, not site plans, and they don't look at setbacks, height, and zoning details that the ZBA focuses on.

Mr. Safdie noted that the porch as drawn on elevations would encroach on side setback requirement as Mr. Lonergan explained it, so it might not be permitted.

Chair Fontano asked what the next steps are. Mr. Shapiro recommended continuing and letting staff work with the applicant to get the site plan and elevations matching.

Following a motion by Clerk Evans, seconded Ms. Severino, the Board voted unanimously (5-0) to continue to January 20, 2021.

RESULT:

CONTINUED TO 1/20/2021

OTHER BUSINESS: Determination of significance for changes to 485 Mystic Valley Parkway Comprehensive Permit

(continued from December 16, 2020)

Joe Macaluso (SHA), Ilana Quirk (Attorney), Charleen Regan (40B Consultant), Frank Valdez (Architect), Kevin Bumpus (SHA) from the applicant team were in attendance.

Mr. Macaluso said they are proposing to reduce the number of units in order to complete the project more quickly. They feel that a lower density project is more acceptable on the site. If these changes are permitted, the construction will be done in conjunction with the Clarendon Hills Comprehensive Permit approved recently.

Chair Fontano said it is disappointing to lose 14 units of affordable housing but thinks that the changes are visually more compatible with the area.

Ms. Quirk understands the concern about the reduction in unit count but doesn't believe it to be relevant to the decision of whether the changes are substantial or insubstantial. She requests that the Board determines that the changes are insubstantial.

Chair Fontano wants to understand why number of units went down. Mr. Macaluso explained that the primary issue is financial, as the SHA has committed substantial resources to the Clarendon Hills project as well. Mr. Valdes also mentioned that the project is modular, so more units could potentially be added in the future.

Mr. Safdie noted that based on the guidance from 760 CMR 56, he doesn't feel that the changes are substantial. Ms. Brockelman agreed.

Ms. Leis noted that this proposal is a 24% reduction in the number of units from originally approved – 60 units originally to 46 units now. Ms. Severino likes the suggestion that 4th level can be added on in the future should money be available.

Mr. Macaluso noted that DHCD will need to issue project eligibility letter before project can be built.

Clerk Evans feels that the changes feel substantial, but according to guidance it seems that DHCD does not care about reductions in density. Ms. Brockelman stated that it does meet state guidance for insubstantial, and that it also meets the usual standard of the change not being substantially more detrimental than what was originally approved

Chair Fontano asked if the units proposed were going to be same as originally proposed? Mr. Valdes answered that the units will be same size, just reducing number of units and size of building.

Following a motion by Clerk Evans, seconded Ms. Severino, the Board voted unanimously (5-0) to find that the proposed changes are insubstantial.

RESULT:

CHANGES DEEMED TO BE INSUBSTANTIAL

NOTICE: These minutes constitute a summary of the votes and key discussions at this meeting. To review a full recording, please contact the Planning & Zoning Division at planning@somervillema.gov.